



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DR. MARK M. FRIEDMAN
C/O BILL POLKINGHORN - DISCOVERY DISPATCH
9003 FLORIN WAY
UPPER MARLBORO MD 20772

COPY MAILED

DEC 23 2008

In re Application of :
Feder et al. :
Application No. 08/817,549 : **DECISION ON PETITION**
Filed: October 14, 2003 :
Attorney Docket No. 27/89 :

This is a decision on the petition, filed December 1, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the nonfinal Office action mailed March 28, 2006, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on November 1, 2006.

Petitioner asserts that the Office action dated March 28, 2006 was not received. It is further noted that the Notice of Abandonment mailed on November 1, 2006 also not received. Petitioner also submitted status inquiries during the time period of abandonment.

A review of the written record indicates an irregularity in the mailing of the Office action of March 28, 2006. In this regard, the Office received a change of address on October 19, 2001 and January 17, 2002, prior to the mailing of the Office action of March 28, 2006. The address was improperly changed upon the submission of the declaration. However, the declaration was accompanied with a letter indicating that the address provided on the declaration had changed. Accordingly, as the Office action was mailed to an incorrect address, the Notice of Abandonment mailed November 1, 2006 is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2624 for remailing the Office action of March 28, 2006 and resetting the period for reply.

Charlema Grant
Petitions Attorney
Office of Petitions